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REMARKS

Claims 17-34 are pending in the present application. Claims 18, 27, and 32-34 have been allowed, Claims 17, 23, and 26 have been amended leaving Claims 17-34 for consideration upon entry of the present amendment. The Applicants respectfully request entry of this Amendment After Final, as they believe the amendments do not introduce new matter and nor do they raise new issues requiring more than a cursory review by the Examiner. The Applicants further believe the claims, as currently amended, are now allowable and allowance of the claims is respectfully requested.

Claim amendments

Claims 17, 23, and 26 have been amended wherein the pallet is free of syndiotactic polystyrene. Support for the amendment can be found in the application as filed in the Experimental section wherein Example 5 contains poly(2,6-dimethyl-1,4-phenylene ether), high impact polystyrene, flame retardant, linear low density polyethylene, polystyrene-polybutadiene-polystyrene copolymer, anti-oxidant, zinc oxide, and zinc sulfide. As shown in the Example, no syndiotactic polystyrene has been used. Accordingly, Applicants have shown that the Specification provides support for a pallet that is free of syndiotactic polystyrene.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 17, 19-21, 23-26, and 28-30 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent No. 6,388,046 to Campbell et al. (Campbell). The applicant traverses this rejection.

Upon review of Campbell, it is a continuation in part of 09/364915 filed July 8, 1999, which is a continuation in part of 09/235679 filed January 22, 1999, which is a continuation in part of 09/144687 filed Aug. 31 1998 now U.S. Patent No. 5,973,041. U.S. Patent No. 5,973,041 does not teach pallets as Campbell does. Therefore, Campbell cannot be used as a § 102(e) reference as the current application, filed on October 7, 1998, predates the earliest teaching of pallets prepared from the material disclosed in Campbell. The Applicants respectfully request reconsideration and removal of the § 102(e) rejections.

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Claims 17, 19-21, 23-26, and 28-30 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 5,165,990 to Nakano et al. (Nakano).

Nakano generally describes a stampable sheet comprising a syndiotactic styrene polymer and fibrous filler.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

The Applicants have amended Claims 17, 23, and 26 wherein the pallet is free of syndiotactic polystyrene. Nakano fails to teach a plastic pallet free of syndiotactic polystyrene. Since Nakano fails to teach each and every element of independent Claims 17, 23, and 26 or their dependent claims, the Applicants respectfully request reconsideration and removal of the 35 U.S.C. § 102(b) rejections of Claims 17, 19-21, 23-26, and 28-30.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 17, 19-26, and 28-31 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Nakano in view of U.S. Patent No. 3,405,666 to Miller, U.S. Patent No. 3,814,031 to Fowler (Fowler '031), U.S. Patent No. 3,951,078 to Fowler et al. (Fowler '078), U.S. Patent No. 4,007,694 to Fowler et al. (Fowler '694) or U.S. Patent No. 5,492,069 to Alexander et al. (Alexander).

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

As mentioned above, Nakano fails to teach plastic pallets free of syndiotactic polystyrene. Furthermore, Miller, Fowler ('078), Fowler ('694), Fowler ('031), and Alexander also do not teach the missing element as required by independent Claims 17, 23, and 26. Accordingly, the Applicants request reconsideration and removal of the § 103(a) rejections of Claims 17, 19-26, and 28-31.

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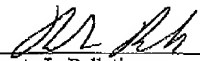
Based on the foregoing amendments and arguments, the Applicants respectfully request reconsideration and removal of the § 102(b and e) and § 103(a) rejections for Claims 17, 19-26, and 28-31 and the subsequent allowance of the foregoing claims.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862 maintained by Assignee.

Respectfully submitted,

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